

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DIANA ARNOLD,
Charging Party

-v-

MONTANA WOMEN'S PRISON,
Respondent

HRB CASE NO. 0220305

ORDER
FINAL AGENCY DECISION

On **August 23, 2022**, the Human Rights Bureau of the Department of Labor and Industry (the Department) issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue (Notice of Dismissal) in the above-captioned matter. On **October 3, 2022**, the Human Rights Commission (Commission) received the objection of Charging Party, Diana Arnold (Arnold), to the dismissal of her claim. Pursuant to Mont. Code Ann. § 49-2-511(1), a party may seek review by the Commission by filing an objection to the dismissal within fourteen (14) days after the issuance of a Notice of Dismissal. Filing with the Commission is effective upon actual receipt at its offices and not upon mailing. Admin. R. Mont. 24.9.112(6). If the 14-day deadline is not met, a decision of the Commission to dismiss a complaint is final.

In this case, the Notice of Dismissal was issued on **August 23, 2022**, as indicated by its certificate of service. The deadline to file an objection was **September 6, 2022**. Arnold's objection was received by the Commission on **October 3, 2022**, twenty-seven (27) days after the deadline to file her objection. Arnold's objection is therefore untimely.

Therefore, IT IS HEREBY ORDERED, that Arnold's objection is DISMISSED.

If a charging party chooses to commence a civil action in district court on the claims addressed in the complaint, the charging party has 90 days after the date of issuance of the Notice of Dismissal to file a complaint in the district where the alleged violation occurred. Mont. Code Ann. § 49-2-511(3)(a). *This order does not alter or extend that right.* If a charging party fails to commence a civil action within 90 days, the claims are barred. *Id.*

Alternatively, if a party chooses to seek judicial review of this order dismissing the action, the charging party has 30 days after the date of this order to file a petition for judicial review in district court. Mont. Code Ann. §§ 49-2-511(3)(b), 2-4-702. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. Mont. Code Ann. § 2-4-702(2).

DATED this 4th day of October 2022.



Peter M. Damrow, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 4th day of October 2022.

Diana Arnold
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Montana Women's Prison
701 South 27th Street
Billings, MT 59101

Kyle Chenoweth
Legal Services Bureau
P.O. Box 201301
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Annah Howard, Legal Secretary
Montana Human Rights Bureau